

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-cv-1000

SCOTT P. CARTWRIGHT,
JACQUELINE J. CARTWRIGHT,
RUSSELL W. CARTWRIGHT,
CAROL A. CARTWRIGHT,
GREENSTONE FARM CREDIT SERVICES, FLCA,
CHS CAPITAL, LLC, and
COFINA FINANCIAL, LLC,

Defendants.

JUDGMENT

Upon review of all of the records and papers on file in the above-entitled action by the Honorable William C. Griesbach, United States District Judge of the Eastern District of Wisconsin, and the Court having entered findings of fact and conclusions of law,

IT IS HEREBY ORDERED AND ADJUDGED that the mortgaged premises which are the subject of this action are described as follows:

Parcel 1:

Lot Two (2) of Certified Survey Map No. 3290 as filed in the office of the Register of Deeds for Outagamie County, Wisconsin on September 17, 1998 in Volume 17 of Certified Survey Maps on page 3290 as Document No. 1290362; being part of the Southeast 1/4 of the Northeast 1/4 of Section 18, Township 23 North, Range 15 East, Town of Maple Creek, Outagamie County, Wisconsin.

County Rd D, New London WI 54961

Tax Parcel No. 160 027102

Parcel 2:

The Southwest 1/4 of the Northeast 1/4 of Section 17, Township 23 North, Range 15 East, Town of Maple Creek, Outagamie County, Wisconsin. AND A parcel of land being part of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 23 North, Range 15 East, Town of Maple Creek, Outagamie County, Wisconsin, bounded and described as follows: Commencing at the North 1/4 corner of said Section 17; thence N89°56'45"E, 1350.27 feet along the North line of the Northeast 1/4 of Section 17 to the East line of the Northwest 1/4 of the Northeast 1/4 of Section 17; thence S00°03'16"E, 1333.11 feet along said East line to the South line of the Northwest 1/4 of the Northeast 1/4 of Section 17 and the point of beginning; thence N89°52'07"W, 1368.58 feet along said South line to the West line of the Northeast 1/4 of Section 17; thence N00°44'05"E, 4.53 feet along said West line to an existing East-West fence line; thence S89°40'44"E, 1368.54 feet along said fence line and its extension Easterly to the point of beginning. Reserving that part presently used for road purposes.

Buboltz Rd, New London WI 54961

Tax Parcel No. 160 024700

Parcel 3:

The Southwest 1/4 of the Northwest 1/4 of Section 17, Township 23 North, Range 15 East, Town of Maple Creek, Outagamie County, Wisconsin.

Kickhafer Rd, New London WI 54961

Tax Parcel No. 160 025100

Parcel 4:

The Southeast 1/4 of the Northwest 1/4 of Section 17, Township 23 North, Range 15 East, Town of Maple Creek, Outagamie County, Wisconsin.

Kickhafer Rd, New London WI 54961

Tax Parcel No. 160 025200

Parcel 5:

Lot One (1) of Certified Survey Map No. 5944 as filed in the office of the Register of Deeds for Outagamie County, Wisconsin on February 24, 2009 in Volume 34 of

Certified Survey Maps on page 5944 as Document No. 1823798; being the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 23 North, Range 15 East, Town of Maple Creek, Outagamie County, Wisconsin, EXCEPTING THEREFROM that parcel conveyed to Janice A. Young formerly Janice A. Preisler by Quit Claim Deed recorded on May 19, 2009 as Document No. 1834882.

Hoffman Rd, New London WI 54961

Tax Parcel No. 160 025001

Parcel 6:

Lot Two (2) of Certified Survey Map No. 5944 as filed in the office of the Register of Deeds for Outagamie County, Wisconsin on February 24, 2009 in Volume 34 of Certified Survey Maps on page 5944 as Document No. 1823798; being the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 23 North, Range 15 East, Town of Maple Creek, Outagamie County, Wisconsin, EXCEPTING THEREFROM that parcel conveyed to Janice A. Young formerly Janice A. Preisler by Quit Claim Deed recorded on May 19, 2009 as Document No. 1834882.

W10460 Kickhafer Rd, New London WI 54961

Tax Parcel No. 160 025000

SUMMARY INFORMATION

Property Address: W10460 Kickhafer Rd, New London, WI 54961

Tax Key No.: 160 024700; 160 025000; 160 025001; 160 027102; 160 025200; 160 025100

IT IS FURTHER ORDERED AND ADJUDGED that the mortgaged premises involved in this action does not include the parcel of real estate that is identified in a Quit Claim Deed from Scott P. Cartwright to Janice A. Young, formerly Janice A. Preisler, recorded with the Register of Deeds for Outagamie County on May 19, 2009 as Document Number 1834882.

IT IS FURTHER ORDERED AND ADJUDGED that the secured chattel, which is the subject of this action, is described in the Complaint on file in this matter.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff is entitled to the following, together with the disbursements of this action as taxed, and as to be taxed by the Clerk of Court, all with interest after the date of judgment at the post-judgment legal rate:

a) Unpaid Principal and Interest:

Principal Balance	\$280,714.22
Accrued Interest through November 1, 2019	\$ 8,661.52
Interest Accrued from November 1, 2019 to date of judgment	\$ 80.58

b) Fees and Costs Already Incurred:

Lis Pendens fees	\$ 30.00
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c) Taxes, Special Assessments, Insurance, and Necessary Repairs: Plaintiff may pay any taxes, special assessments, or insurance premiums accruing against the mortgaged premises that are now due or that shall become hereafter due before a sale of the mortgaged premises. To protect and preserve the mortgaged premises, plaintiff may make payments for such repairs to the premises as may reasonably be deemed necessary for the proper preservation thereof. All sums advanced by plaintiff for taxes, special assessments, insurance, or necessary repairs shall become additional indebtedness secured by the mortgage, with interest thereon from the date of payment at the legal post-judgment rate, and may be added to the judgment by order at any time after the entry thereof.

d) Costs of Foreclosure: Plaintiff may be required to make various payments of costs, fees, and expenses in connection with the foreclosure, including but not limited to title evidence and title insurance as well as fees, charges, and expenses owed to the U.S. Marshal for a judicial sale of the premises. Plaintiff shall have a lien on the premises for the amount of any such payments and may obtain an order directing that the amounts so paid, with interest thereon from

the date of payment at the legal post-judgment rate, be paid out of the proceeds of a foreclosure sale.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff is entitled to immediate possession of the items of security remaining in possession of the defendants, Scott P. Cartwright and Jacqueline J. Cartwright, on which the Farm Service Agency has a secured interest and are described in the Security Agreement attached to the Complaint.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff may exercise its right to have execution issued and require the United States Marshal to take possession of said items of security at any time after the date of this judgment, and deliver the items of security to the plaintiff, and that a writ of execution shall be issued if necessary to secure such possession.

IT IS FURTHER ORDERED AND ADJUDGED that these items of security may be sold individually or as a whole at public sale by or under the direction of the United States Marshal or by private sale, and that the sale proceeds, after the costs of sale are deducted, shall be paid over to the Clerk of Court.

IT IS FURTHER ORDERED AND ADJUDGED that the mortgaged premises be sold as a whole or in parts at public auction in the County of Outagamie, State of Wisconsin, by and under the direction of the United States Marshal for the Eastern District of Wisconsin, at any time after the date of entry of this judgment.

IT IS FURTHER ORDERED AND ADJUDGED that in case of sale pursuant hereto, the United States Marshal shall notice and conduct said sale in the manner provided by law and the usual custom of the Eastern District of Wisconsin; including the requirement that the Marshal shall accept from the purchaser at such sale, as a deposit or down payment, not less than ten (10) percent,

in which case, such amount shall be so deposited with the Clerk of Court, and the balance of the sale price should be paid to the Clerk of Court by the purchaser within thirty (30) days of the date of sale, except that if plaintiff be the successful bidder at such sale, the United States Marshal may take the receipt of plaintiff in lieu of cash payment.

IT IS FURTHER ORDERED AND ADJUDGED that if the property is sold by the United States Marshal, the prior interest of Greenstone Farm Credit Services FLCA, based upon their mortgage recorded on October 6, 1982 with Russell and Carol Cartwright, document number 815440, in the original amount of \$366,140.00, be paid first out of the sale proceeds of the property, and that upon receipt of the balance owed to Greenstone for the June 5, 2007, mortgage, Greenstone shall release its June 5, 2007 mortgage on that property. After Greenstone Farm Credit Services, FLCA is paid for their mortgage, the plaintiff shall be paid.

IT IS FURTHER ORDERED AND ADJUDGED that the sale of said premises shall be subject to confirmation of the Court by order, and said order shall, if appropriate, provide for confirmation of sale, issuance of a Marshal's Deed, and disbursement of funds to satisfy the above-owed amounts.

IT IS FURTHER ORDERED AND ADJUDGED that after confirmation of the sale by the Court, if there are surplus proceeds after the plaintiff has been paid in full, such proceeds be held by the Clerk of Court and subject to further order of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that upon the confirmation of the sale of the mortgaged premises, the purchaser or purchasers, or his or their heirs, representatives or assigns, be let into possession of the premises sold, upon production of the United States Marshal's Deed thereto or duly authenticated copy thereof; that each and every one of the parties to this

action who may be in possession of the premises, and every other person who since the filing of the notice of pendency of this action has come into possession of the same or any part thereof under them or either of them shall deliver to such grantee or grantees named in such deed, possession of the mortgaged premises; and that a writ of assistance be issued by the Clerk of Court upon application by plaintiff if necessary to secure such possession.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants, their heirs, successors and assigns, and all persons claiming under them after the filing of notice of pendency of this action, be forever barred and foreclosed of all right, title, interest and equity of redemption in the chattel and mortgaged premises.

IT IS FURTHER ORDERED AND ADJUDGED that the defendants and all persons claiming under them be and they are hereby enjoined from committing waste upon the chattel and mortgaged premises and from doing any act that may impair the value of the same, unless meanwhile the premises shall have been duly redeemed as provided by law.

Dated at Green Bay, Wisconsin, this 8th day of November, 2019.

Approved: s/ William C. Griesbach
William C. Griesbach, District Judge
United States District Court - WIED

Dated at Green Bay, Wisconsin, this 8th day of November, 2019.

STEPHEN DRIES
Clerk of Court
Eastern District of Wisconsin

By:

s/ Cheryl Veazie
Deputy Clerk